

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AS SABUR MALIK KAHN,
Plaintiff

CIVIL ACTION

v.

MICHAEL ASTRUE,
Commissioner of the
Social Security Administration,
Defendant.

NO. 07-3225

ORDER

AND NOW, this 26 day of March, 2008, after careful review and independent consideration of the Plaintiff's request for review, Defendant's response, Plaintiff's response, and review of the Report and Recommendation of Carol Sandra Moore Wells, United States Magistrate Judge, it is hereby ORDERED that:

- (1) The Report and Recommendation be APPROVED and ADOPTED;
- (2) The Plaintiff Motion for Summary Judgment be GRANTED in part and DENIED in part;
- (3) The Commissioner's Motion for Summary Judgment be DENIED; and
- (4) The matter be REMANDED to the Commissioner of Social Security Administration to allow the Administrative Law Judge (ALJ) to conduct additional proceedings consistent with this Report and Recommendation. On remand, the ALJ shall 1) consider the new evidence presented by the Plaintiff; 2) submit to a ME all of Plaintiff's medical records, including the new evidence, for a reassessment of Plaintiff's mental limitations, 3) in light of any new determinations, re-evaluate Plaintiff's RFC and credibility assessments; and, if necessary, 4) submit a new complete and accurate hypothetical question to a vocational expert, allowing Plaintiff the opportunity to respond to the expert's conclusions.

It be so ORDERED.



RONALD L. BUCKWALTER, J.